

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

<p>In the Matter of the Complaint</p> <p style="text-align: center;">of</p> <p>Bing Bing Corp. as Owner of the 55’ F/V BING BING (O.N. 583490), Her Engines, Machinery, Tackle, Apparel, Appurtenances, etc., for Exoneration From, or Limitation of, Liability, Civil and Maritime,</p> <p style="text-align: right;">Plaintiff.</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>Civil Action IN ADMIRALTY</p>
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COMPLAINT FOR EXONERATION FROM OR LIMITATION OF LIABILITY

NOW COMES the Plaintiff, Bing Bing Corp. (“Bing Bing Corp.” or “Plaintiff”) by and through its undersigned attorneys, Holbrook & Murphy, and respectfully submits its complaint seeking exoneration from or limitation of liability, pursuant of 46 U.S.C. §§ 30501 [et seq.] and Rule F of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Action of the Federal Rules of Civil Procedure. Bing Bing Corp. alleges, upon information and belief, the following:

1. This is a case of admiralty and maritime jurisdiction, as hereinafter more fully appears, and is an admiralty and maritime claim within meaning of Rule 9(h) of the Federal Rules of Civil Procedure and the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Action of the Federal Rules of Civil Procedure.
2. Bing Bing Corp. is a corporation organized and existing under the laws of the Commonwealth of Massachusetts, with a principal place of business at 9 Blackburn Avenue, Gloucester, Massachusetts 01930.

3. At all relevant times hereto, Bing Bing Corp. was the owner of the F/V BING BING (O.N. 583490), her engines, machinery, tackle, apparel, appurtenances, etc. (the “Vessel”).
4. On or about February 1, 2022, the Vessel was on a clamming voyage off the coast of Scituate, Massachusetts. The Vessel, at the commencement of voyage was tight, strong, fully manned, equipped, and supplied and in all respects seaworthy and fit for the service in which she was engaged.
5. On or about February 1, 2022, upon information and belief, while the crew was hauling back the dredge, the Vessel listed to Starboard, rolled over, capsized, and sank.
6. On or about February 1, 2022, upon information and belief, approximately forty-five (45) minutes after the Vessel capsized, the Scituate Harbormaster and Fire Department were on scene.
7. The Scituate Harbormaster and Fire Department recovered all three (3) crewmembers and transported them to shore.
8. Upon information and belief, the Vessel remained located in thirty-five (35) feet of water until April 15, 2022 when it was raised during a salvage operation.
9. The aforesaid event and resulting loss, damage, and injury was not caused by or contributed to by any negligence or fault on the part of Bing Bing Corp. or for those whom Bing Bing Corp. is responsible, and Bing Bing Corp. denies any such loss, damage, injury, or destruction was done, occasioned by, or occurred with any privity or knowledge of Bing Bing Corp.
10. No suits, to Bing Bing Corp.’s knowledge, have to date been brought for loss or damage resulting from the aforesaid casualty. Bing Bing Corp. fears that libels, suits, or claims

may be filed, begun, or asserted against the F/V BING BING or Bing Bing Corp. or either of them on behalf of the persons for alleged damages sustained as a result of said casualty. Bing Bing Corp. and/or its representatives received a legal letter of representation from lawyers purporting to represent one (1) of the three (3) crewmembers.

11. The Vessel's value after salvage is \$10,000.00. There were no freights pending at the time of the casualty.
12. This Complaint is filed within six (6) months after receipt of notice of a Claim from one (1) of the crew member's legal counsel and thus within six (6) months of receipt of any claim, pursuant to Rule F(1) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions of the Federal Rules of Civil Procedure.
13. Bing Bing Corp. claims exoneration from liability for any and all losses, damages, or injuries sustained during the casualty aforesaid and from any and all claims for damages that have been or may hereafter be made, and Bing Bing Corp. alleges that it has valid defenses thereto on the facts and the law.
14. Bing Bing Corp. further claims the benefits of limitation of liability provided by 46 U.S.C. §§ 30501 [et seq.], Rule F of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions of the Federal Rules of Civil Procedure, and the various statutes supplementary thereto and amendatory thereof.
15. Bing Bing Corp. further claims the benefit of an injunction under Rule F(3) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions of the Federal Rules of Civil Procedure, enjoining the further prosecution or commencement

of any action or proceeding against Bing Bing Corp., its Vessel, agents, or property with respect to any claim subject to exoneration or limitation in this action.

16. Venue is proper in this district pursuant to Rule F(9) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions of the Federal Rules of Civil Procedure; the Vessel has not been attached, or arrested, the owner has not yet been sued and upon information and belief, what remains of the Vessel is within this geographical district of this United States District Court for the District of Massachusetts.

WHEREFORE, the Plaintiff, Bing Bing Corp. prays:

- a) That this Court issue an Order, as provided in Rule F(1) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions of the Federal Rules of Civil Procedure, approving the Plaintiff, Bing Bing Corp.'s Appraiser's Report, as filed with this Honorable Court;
- b) That this Honorable Court approve the Plaintiff, Bing Bing Corp.'s Stipulation for Costs of \$250.00 as sufficient security for costs;
- c) That this Honorable Court issue an Order enjoining further prosecution of any and all actions, suits, or proceedings already commenced as well as the commencement or prosecution of any and all future actions, suits, or proceedings, of any nature or description whatsoever in any jurisdiction, against the Plaintiff, Bing Bing Corp., the F/V BING BING, the agents, representatives, employees or insurers of the Plaintiff, Bing Bing Corp., and/or against any property of the Plaintiff, Bing Bing Corp. except in this action, to recover damages for or with respect to injury, death, casualty, loss and damages caused, done, occasioned, or incurred on the voyage described in this Complaint;
- d) That this Honorable Court in this proceeding adjudge that the Plaintiff, Bing Bing Corp. is not liable and is exonerated with respect to any and all injury, loss, damage, or destruction caused by or resulting from the casualty, or with respect to injury, death, loss,

and damage done, occasioned, or incurred on the voyage described in the Complaint, and that, in the alternative, if the Plaintiff, Bing Bing Corp., shall be adjudged liable, that such liability be limited to the amount or value of the Plaintiff, Bing Bing Corp.'s interest in the Vessel at the end of the voyage described in the Complaint and the Appraiser's Report, and that the Plaintiff, Bing Bing Corp., be discharged therefrom upon the surrender of such interest, and that the money surrendered, paid or secured to be paid, be divided pro rata according to the above mentioned statutes among such claimants in accordance with the provisions of the Order hereinabove prayed for, saving to each any priority to which he or she may be legally entitled, and that a decree may be entered, discharging the Plaintiff, Bing Bing Corp., and the F/V BING BING from all further liability; and,

- e) That the Plaintiff, Bing Bing Corp., may have such other or further relief as the justice of the cause may require.

Respectfully submitted,
The Plaintiff, Bing Bing Corp.,
By its attorneys,

/s/ Daniel C. Kelley

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Certificate of Service

I hereby certify that on August 16, 2022, I electronically filed the within document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

/s/ Daniel C. Kelley

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